



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 16-36**

**A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2015-00039
A LAND USE CHANGE PERMIT FOR MOON RIDGE RANCH, LLC
FOXTROT SUBDIVISION
SE1/4 SECTION 35, TOWNSHIP 13 SOUTH, RANGE 86 WEST, 6TH P.M.**

WHEREAS, Moon Ridge Ranch, LLC, represented by Jenny Knox and David Leinsdorf, submitted a land use change application for the subdivision of 13.23-acres into four single-family residential lots, ranging between 2.54 and 3.75-acres each. Water for each residence will be provided by connection to the Saddle Ridge Ranch Estates Water Company and wastewater will be treated by "state-of-the-art" "AdvanTex" design on-site wastewater treatment systems (OWTS). Access to the lots will be via Moon Ridge Lane and a new road, "Foxtrot Trail"; and

WHEREAS, after a review of the information, documentation and substantial public testimony related to it, the Gunnison County Planning Commission did, after joint public hearings, on July 15, 2016 unanimously approve a Recommendation with certain Findings and Conditions:

FINDINGS:

1. The Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.
2. The Commission finds that requirements for future sewer line connection of the development to an existing, available central sewer line have been addressed in the Conditions of Approval and as a requirement for inclusion in the *Declaration of Protective Covenants Foxtrot Subdivision*. The conditions were crafted to provide protection of water quality in the upper East River Valley, with respect to the *201 Study*, the *IGA*, the *Land Use Resolution*, and State law.
3. The Commission finds that the implementing the recommendations from the Colorado Parks and Wildlife are appropriate to minimize and mitigate human-wildlife conflicts.
4. The applicant has represented that each lot will be served by a higher technology on-site wastewater treatment system, referenced as an Orenco Systems "AdvanTex" system, providing a higher level of domestic wastewater treatment. It is appropriate that installation of an Orenco Systems "AdvanTex" system or a comparable treatment level system for on-site wastewater treatment system is a condition of this approval.
5. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.
6. This review and recommendation incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

CONDITIONS:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.



2. The following shall be required for future central sewer line connection as a condition of this approval and that such language shall be incorporated into the *Declaration of Protective Covenants of Foxtrot Subdivision*.

(1) At such time as the rules, regulations or requirements of Gunnison County require that the lots within Foxtrot Subdivision be connected to the Town of Crested Butte wastewater treatment system or a sanitation district central sewer system capable of providing sewer service to Foxtrot Subdivision, the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, subject to all of the following conditions:

a. The Town of Crested Butte or other central sewer system operator has sufficient capacity, is ready, willing and able to provide sewer service to Foxtrot Subdivision and an existing, available central sewer line is located within 400 feet of Foxtrot Subdivision; and

b. (1) If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and one or more On-site Wastewater Treatment Systems (OWTS) exist within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost, compared to the then existing On-site Wastewater Treatment Systems. This determination shall include but not be limited to consideration of:

- (1) the remaining expected life span of the existing OWTS systems;
- (2) cost of connection, exclusive of Town of Crested Butte infrastructure, cost and fees;
- (3) permits (e.g. 404) required for connection;
- (4) availability of physical and legal access between the subdivision and the sewer line;
- (5) modification of water right decrees associated with the existing discharges; and
- (6) technical feasibility of a connection.
- (7) cost of a required pump station compared to gravity flow
- (8) in evaluating and applying the foregoing criteria, Gunnison County may consider, but shall not have authority to modify the tap and/or service fees charged by the central sewer system operator.

OR

b. (2) If, at the time an existing, available central sewer line becomes located within 400 feet of the Foxtrot Subdivision, and no On-site Wastewater Treatment System exists within the Foxtrot Subdivision, then the Owners of all lots within Foxtrot Subdivision shall be compelled and required to connect any building designed for human occupancy to such central sewer line, pursuant to then existing requirements of Gunnison County, if in the reasonable discretion of Gunnison County, connecting Foxtrot Subdivision to such central sewer system is technically and economically feasible and will materially improve both treatment of Foxtrot Subdivision wastewater and stream water quality protection, at a reasonable cost. This determination shall include but not be limited to consideration of:

- (1) cost of connection, exclusive of Town of Crested Butte infrastructure, cost and fees;



- (2) permits (e.g. 404) required for connection;
 - (3) availability of physical and legal access between the subdivision and the sewer line;
 - (4) modification of water right decrees associated with the existing discharges; and
 - (5) technical feasibility of a connection.
 - (6) cost of a required pump station compared to gravity flow
 - (7) in evaluating and applying the foregoing criteria, Gunnison County may consider, but shall not have authority to modify the tap and/or service fees charged by the central sewer system operator.
3. The applicant shall submit a final copy of the *Declaration of Protective Covenants Foxtrot Subdivision* prior to Board approval.
 4. Lot owners shall install an Orenco Systems "AdvanTex" Treatment Unit (OWTS) or a comparable on-site wastewater treatment system (OWTS) that provides a level of wastewater treatment equal to TL3N, pursuant to the *Gunnison County On-site Wastewater Treatment System Regulations*.
 5. Residents shall not chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months. The use of bear proof trash containers shall be required to avoid human - bear conflicts. Residents shall use "wildlife friendly" fencing within the development, as identified by the Colorado Parks and Wildlife.
 6. The applicant shall provide engineered construction plans and cost estimates for the new access road improvements, certified by a Colorado licensed professional engineer, prior to approval by the Board. The plans and costs shall be reviewed and approved by the Gunnison County Public Works Department.
 7. A Development Improvements Agreement, subject to approval by the Gunnison County Attorney, shall be executed by the Board, addressing the construction plans for the new access road. The Board Resolution shall not be recorded until this condition is fulfilled.
 8. A performance bond, letter of credit or other means of surety, acceptable to the Board shall be required to cover the cost of the improvements, as identified on the construction plans, plus 25 percent; such cost estimate as provided by the applicant's engineer, and that said surety is retained by Gunnison County. The Board Resolution shall not be recorded until this condition is fulfilled.
 9. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board. Approval shall not be effective until the Board Resolution and Subdivision Plat is recorded with the Office of the Gunnison County Clerk and Recorder.
 10. The applicant shall record the *Declaration of Protective Covenants Foxtrot Subdivision* contemporaneously with the Plat of Foxtrot Subdivision.
 11. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
 12. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.



13. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
14. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

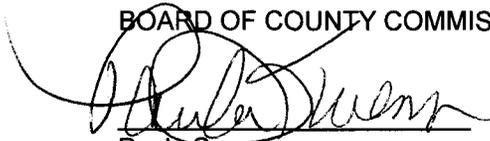
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2015-00039, Moon Ridge Ranch, LLC, Foxtrot Subdivision, is approved as a Minor Impact Project, subject to each and all conditions of the Planning Commission Recommendation, as identified above.

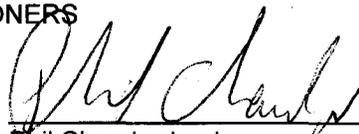
THIS APPROVAL is affected noting that decision documentation includes, but is not limited to, the application and the entire Community Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

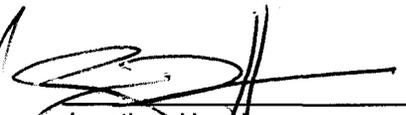
THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Chamberland, seconded by Commissioner Houck, and passed on this 6th day of September, 2016.

BOARD OF COUNTY COMMISSIONERS


Paula Swenson,
Chairperson


Phil Chamberland,
Commissioner


Jonathan Houck,
Commissioner

ATTEST:


Deputy
Gunnison County Clerk and Recorder

